

21 C.J.S. Courts § 50

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

D. Jurisdiction of Person

3. Tests or Elements Determining Exercise of Personal Jurisdiction

§ 50. Doing or transacting business in forum as basis of general personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.3(7), 13.3(11)

A defendant doing or transacting business in the state by engaging in systematic and continuous contacts with the state may be subject to general personal jurisdiction unlimited by the nature of the claim or its relationship to those contacts.

For purposes of general personal jurisdiction,¹ not limited by the nature of the claim or its relationship to the defendant's contacts with the form,² the defendant must be doing business in the state by engaging in systematic and continuous contacts with the state³ or must be doing substantial and continuous business in the forum.⁴ The defendant must be doing business in the forum not occasionally or casually⁵ but with a fair measure of permanence and continuity.⁶ The finding must be one consistent with presence in the forum jurisdiction.⁷

The primary focus in determining whether the defendant is conducting substantial and continuous business in the state requires the court to look at the amount, kind, and continuity of activities carried out by the nonresident.⁸ A defendant's activities must be considered collectively and show a general course of business activity in the forum for pecuniary benefit.⁹ Limited,¹⁰ isolated, random, fortuitous, attenuated,¹¹ insubstantial, and episodic contacts with the forum are not sufficient.¹² Mere purchases in the state are not sufficient.¹³

Usually, a defendant subject to general personal jurisdiction must be engaged in longstanding business in the forum state, such as marketing or shipping products or performing services or maintaining one or more offices there,¹⁴ and such factors are considered as the presence of an office, employees, and bank account within the state,¹⁵ agents within the state,¹⁶ and the solicitation of business in the state.¹⁷ Under a "solicitation plus" standard applied in some states, once a solicitation of business in the state is found in any substantial degree, very little more is necessary.¹⁸

CUMULATIVE SUPPLEMENT

Cases:

Factors relevant, but not dispositive, to the analysis of whether a defendant has engaged in a general course of business activity in the state for pecuniary benefit to establish that a defendant is carrying on business for the purposes of Florida's long-arm statute include the presence and operation of an office in Florida, the possession and maintenance of a license to do business in Florida, the number of Florida clients served, the percentage of overall revenue gleaned from Florida clients, and there must be a nexus between the alleged causes of action and the alleged business activities. [Fla. Stat. Ann. § 48.193\(1\)\(a\)](#). [Hinkle v. Continental Motors, Inc.](#), 268 F. Supp. 3d 1312 (M.D. Fla. 2017), appeal dismissed, 2017 WL 5635149 (11th Cir. 2017).

Fact that nationwide railroad engaged in business in the state did not confer specific jurisdiction over out-of-state employee's action for injuries sustained in another state; fact that railroad was a national company that did the same type of business in the forum state as in the rest of the country did not mean it could be sued anywhere. [State ex rel. Norfolk Southern Railway Company v. Dolan](#), 512 S.W.3d 41 (Mo. 2017).

[END OF SUPPLEMENT]

Footnotes

- 1 § 47.
- 2 U.S.—*Ingenito v. Riri USA, Inc.*, 89 F. Supp. 3d 462 (E.D. N.Y. 2015) (applying New York law).

Cal.—*Elkman v. National States Ins. Co.*, 173 Cal. App. 4th 1305, 93 Cal. Rptr. 3d 768 (2d Dist. 2009).

Ill.—*Solargenix Energy, LLC v. Acciona, S.A.*, 2014 IL App (1st) 123403, 384 Ill. Dec. 598, 17 N.E.3d 171 (App. Ct. 1st Dist. 2014).

Any and all claims against defendant
U.S.—*Chatwal Hotels & Resorts LLC v. Dollywood Co.*, 90 F. Supp. 3d 97 (S.D. N.Y. 2015) (applying New York law).
- 3 U.S.—*North v. Smarsh, Inc.*, 2015 WL 8023999 (D.D.C. 2015) (applying District of Columbia law).

Cal.—*Elkman v. National States Ins. Co.*, 173 Cal. App. 4th 1305, 93 Cal. Rptr. 3d 768 (2d Dist. 2009).

Colo.—*Etchieson v. Central Purchasing, LLC*, 232 P.3d 301 (Colo. App. 2010).

Fla.—*Caiazzo v. American Royal Arts Corp.*, 73 So. 3d 245 (Fla. 4th DCA 2011).

Ill.—*Solargenix Energy, LLC v. Acciona, S.A.*, 2014 IL App (1st) 123403, 384 Ill. Dec. 598, 17 N.E.3d 171 (App. Ct. 1st Dist. 2014).

Tex.—*Grupo TMM, S.A.B. v. Perez*, 327 S.W.3d 357 (Tex. App. Houston 14th Dist. 2010).
- 4 Fla.—*Caiazzo v. American Royal Arts Corp.*, 73 So. 3d 245 (Fla. 4th DCA 2011).

Ill.—*Russell v. SNFA*, 2013 IL 113909, 370 Ill. Dec. 12, 987 N.E.2d 778 (Ill. 2013).

Wash.—*State v. AU Optronics Corp.*, 180 Wash. App. 903, 328 P.3d 919 (Div. 1 2014).
- 5 U.S.—*Wallert v. Atlan*, 2015 WL 6459219 (S.D. N.Y. 2015) (applying New York law).

Ill.—*Russell v. SNFA*, 2013 IL 113909, 370 Ill. Dec. 12, 987 N.E.2d 778 (Ill. 2013).

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Construction and application, as to isolated acts or transactions, of state statutes or rules of court predicated in personam jurisdiction over nonresidents or foreign corporations upon the doing of an act, or upon doing or transacting business or "any" business, within the state, 27 A.L.R.3d 397.
Validity, as a matter of due process, of state statutes or rules of court conferring in personam jurisdiction over nonresidents or foreign corporations on the basis of isolated business transaction within state, 20 A.L.R.3d 1201.
- 6 U.S.—*Ingenito v. Riri USA, Inc.*, 89 F. Supp. 3d 462 (E.D. N.Y. 2015) (applying New York law).

Ill.—*Russell v. SNFA*, 2013 IL 113909, 370 Ill. Dec. 12, 987 N.E.2d 778 (Ill. 2013).
- 7 U.S.—*Chatwal Hotels & Resorts LLC v. Dollywood Co.*, 90 F. Supp. 3d 97 (S.D. N.Y. 2015) (applying New York law).

General business presence required
Tex.—*Grupo TMM, S.A.B. v. Perez*, 327 S.W.3d 357 (Tex. App. Houston 14th Dist. 2010).

- 8 N.Y.—American Independent Ins. v. Heights Chiropractic Care, P.C., 12 Misc. 3d 228, 811 N.Y.S.2d 904 (Sup 2006).
- Wash.—Bartusch v. Oregon State Bd. of Higher Educ., 131 Wash. App. 298, 126 P.3d 840 (Div. 2 2006).
- Nature and extent of activities**
- Mont.—Grizzly Sec. Armored Exp., Inc. v. Armored Group, LLC, 2011 MT 128, 360 Mont. 517, 255 P.3d 143 (2011).
- 9 U.S.—In re Chinese-Manufactured Drywall Products Liability Litigation, 753 F.3d 521 (5th Cir. 2014).
- 10 U.S.—Jonas v. Estate of Leven, 116 F. Supp. 3d 314 (S.D. N.Y. 2015) (applying New York law).
- 11 U.S.—Clay v. AIG Aerospace Ins. Services, Inc., 61 F. Supp. 3d 1255 (M.D. Fla. 2014) (applying Florida law).
- 12 U.S.—Kipp v. Ski Enterprise Corp. of Wisconsin, Inc., 783 F.3d 695 (7th Cir. 2015).
- 13 U.S.—Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408, 104 S. Ct. 1868, 80 L. Ed. 2d 404 (1984).
- N.Y.—Wohl v. Landmark Capital II, LLC, 112 A.D.3d 815, 978 N.Y.S.2d 256 (2d Dep't 2013).
- 14 Tex.—Weatherford Artificial Lift Systems, Inc. v. A & E Systems SDN BHD, 470 S.W.3d 604 (Tex. App. Houston 1st Dist. 2015).
- 15 U.S.—Phillips v. Reed Group, Ltd., 955 F. Supp. 2d 201 (S.D. N.Y. 2013) (applying New York law).
- Tex.—Grupo TMM, S.A.B. v. Perez, 327 S.W.3d 357 (Tex. App. Houston 14th Dist. 2010).
- 16 Tex.—Ashdon, Inc. v. Gary Brown & Associates, Inc., 260 S.W.3d 101 (Tex. App. Houston 1st Dist. 2008).
- 17 U.S.—Fiske v. Sandvik Mining, 540 F. Supp. 2d 250 (D. Mass. 2008) (applying Massachusetts law); Phillips v. Reed Group, Ltd., 955 F. Supp. 2d 201 (S.D. N.Y. 2013) (applying New York law).
- Tex.—Ashdon, Inc. v. Gary Brown & Associates, Inc., 260 S.W.3d 101 (Tex. App. Houston 1st Dist. 2008).
- 18 U.S.—Phillips v. Reed Group, Ltd., 955 F. Supp. 2d 201 (S.D. N.Y. 2013) (applying New York law).